

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jessica R. Pease,

Plaintiff,

v.

Michael J. Astrue,

Commissioner of Social Security,

Defendant.

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C/A No. 0:08-3498-PJG

ORDER

This matter is before the court on a petition for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Docket Entry 23.) Christi Barfield McDaniel ("McDaniel"), counsel for Jessica R. Pease ("Pease"), seeks attorney's fees in the amount of Two Thousand Nine Hundred Six Dollars and Twenty-Five Cents (\$2,906.25), representing 23.25 hours of attorney work at the rate of One Hundred Twenty-Five Dollars (\$125.00) per hour. (Docket Entry 23-1 at 5, 8.) Additionally, McDaniel requests expenses in the amount of Twenty-Five Dollars and Seventy-Six Cents (\$25.76).¹ (Id.) The Commissioner does not oppose the petition for attorney's fees and expenses. (Docket Entry 24.) Further, the court finds that the hourly rate and number of hours are reasonable.

¹McDaniel requests that the amount of the attorney fees be paid directly to her "because the Defendant is making payment of such fees electronically." (Docket Entry 23 at 2.) However, the United States Court of Appeals for the Fourth Circuit has recently stated that "attorney's fees under the EAJA are payable to the claimant, not the attorney" and "it is settled law that the attorney does not have standing to apply for the EAJA fees; that right belongs to the prevailing party." Stephens v. Astrue, 565 F.3d 131, 137-38 (4th Cir. 2009) (internal quotation marks omitted). Accordingly, the fees will be made payable to Pease.

Therefore, it is hereby

ORDERED that Pease be awarded Two Thousand Nine Hundred Thirty-Two Dollars and One Cent (\$2,932.01) in attorney's fees and expenses.

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "Paige J. Gossett", with a horizontal line underneath.

Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

April 12, 2010
Columbia, South Carolina